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## SB 2681/SD 1 RELATING TO AERONAUTICS

Statement for  
House Committee on  
Transportation  
Public Hearing - March 12, 1988

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SB 2681 SD 1 would amend the statutes of Hawaii relating to aeronautics by adding a new subsection to address helicopter operations.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

The Environmental Center submitted testimony on the earlier draft of this bill before the Senate Committee on Transportation. That statement cited safety and community concerns that have come to our attention. In particular we noted other cities, such as Los Angeles, California, that have initiated very strict controls over take-offs and landings. Use of these controls of ground operations constitutes an effective mechanism for substantial regulation of flight operations. We further noted the importance of these regulations in eliminating nuisances and improving safety at the aircraft facilities; the need to consider impacts of helicopter activities to adjacent communities; the need for discretionary action in the issuance or denial of a helicopter operation permit; and finally suggested that the time period for obtaining a permit be increased from two to six months.

### General Comments

Section 1 (a) of the amended version of SB 2681 as reflected in Senate Draft 1, represents an exceedingly important improvement to the previous draft. It substantively emphasizes safety considerations and clearly sets forth safety as a motivating force behind this bill. As cited in our

previous testimony, within the past 16 months there have been 16 civilian helicopter accidents which have resulted in 6 fatalities. According to pilots we have talked with, the evergrowing increase in helicopter traffic and the mix with fixed winged aircraft over certain popular scenic areas has significantly increased the risk of aircraft accidents. Improved management of helicopter operations is urgently needed.

One suggestion is offered with regard to the specific reference to air traffic congestion (page 1, line 6). It is our understanding that legislation pertinent to air traffic congestion is preempted by federal statutes. Therefore, deletion of that specific reference should be considered. If additional air traffic control is needed, a resolution to the Federal Aviation Administration requesting such added controls may be the more appropriate procedure.

#### Specific Comments:

Page 2. The assessment and permit system set forth by SB 2681 SD 1 should provide a substantial improvement to present conditions. However the purpose or intent of the "variance report" cited in paragraph (3), line 13, is unclear. A definition and/or explanation seems needed. The stipulation that the department shall consider impacts that affect the surrounding communities, health, safety, and welfare is commendable.

Page 3. The advisory committees that would be established under SB 2681 SD 1 are essential to the development of a fair and balanced regulatory mechanism that will meet both the needs of the helicopter business industry as well as the concerns and needs of the affected communities. We suggest that provisions be included to establish some level of coordination among the committees. While we recognize that conditions and needs at the airports will vary, there will surely be some overlap. Coordination will assure minimum duplication of effort and that interairport considerations are met.

We suggest that consideration be given to establishing an advisory committee for each county rather than each airport. Presumably the representative from the Department of Transportation on each committee will be responsible for statewide coordination and consistency of the committee's efforts.

We note that the advisory committee will serve without compensation. Provision should be included for the assistance of a technical staff assistant from the Department of Transportation to serve the committee.

In the issuance of permits, page 3, lines 22-23 and page 4, lines 1-3, there appears to be some ambiguity in the language. Page 3, paragraph (1) states the applicants helicopter operation must be consistent with the master plan of the airport for which the permit is sought and the present facilities under the master plan.... It is not clear if the operation must be consistent with the existing or the proposed facilities. We suggest that clarification would be provided if the word present was deleted on line 1.

Page 4. Paragraph 2, is excellent. Paragraph 3, enumerates various requirements for helicopter operations. If each of these items is listed separately, then we suggest that insurance be included as a specifically enumerated requirement. As an alternative, the paragraph could be amended with more general language to stipulate that the operation, "is in compliance with all rules and laws".

We suggest deletion in paragraph (3) of the reference on line 19, "including helicopter pilots". We understand that licensing of pilots is limited to federal jurisdiction.

Page 5. Paragraph (b) states that permits shall be renewed annually if the permittee increases its use of the airport. This provision should be amended to require that a permittee, seeking to increase their use of the airport, be required to apply for a revised permit.

Lines 23 and 24 on page 5 restrict contractual agreements between helicopter facilities and the state. Such restrictions seem inappropriate. The helicopter company may need power, water, etc. for their operations. It is not unreasonable to have such basic needs be a part of contractual agreements. Nothing in such an agreement should preclude reimbursement to the state or a charge for the improvement. We suggest that deletion or modification of lines 23 and 24 on page 5 and line 1 on page 6 be considered.

Page 7, Section 2. The effective date for the revocation and issuance of the permits is given as July 1, 1988. Considering the time required for legislative passage and the Governor's signature, the development of adequate management plans and evaluation and issuance of permits by July 1, 1988 seems unlikely. We suggest amendment to stipulate that the statute take effect on the date of the Governor's signature; that the Department of Transportation should notify all existing helicopter permit holders of the provisions of this bill in a timely manner following that date; that the advisory committees be required to develop their master plans within some designated period, perhaps 120 days, of the effective date; and that all helicopter companies must apply for new permits with some designated period (again perhaps 120 days), following issuance of the master plans. Furthermore, issuance or denial of the new permits by the DOT, after the effective date of this legislation, must be granted on a timely basis following submission of the permit applications and in no case should exceed 8 months (or some other reasonable period to be determined by the DOT). Existing permits should remain in effect until the helicopter companies receive notification of acceptance or denial of the new permit.

A final suggestion. A severability clause would seem wise to assure that should some provisions be deemed unenforceable, the other provisions of the statute will stand.

Despite our many suggestions, we find the basic content and intent of the bill to be exemplary. The drafter's of the bill should be roundly praised for their foresight and their efforts to address a much needed and difficult problem. We strongly support the intent of the legislation.